

E3SHB 1775 - S AMD 1266

By Senator Dhingra

ADOPTED AS AMENDED 03/06/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that commercial
4 sexual exploitation of children is a severe form of human trafficking
5 and a severe human rights and public health issue, leaving children
6 at substantial risk of physical harm, substantial physical and
7 emotional pain, and trauma. This trauma has a long-term impact on the
8 social, emotional, and economic future of these children. The state
9 shall provide a victim-centered, trauma-informed response to children
10 who are exploited in this manner rather than treating them as
11 criminals. The state shall also hold accountable the buyers and
12 traffickers who exploit children.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.68 RCW
14 to read as follows:

15 (1) Subject to the availability of amounts appropriated for this
16 specific purpose, the department of children, youth, and families
17 shall administer funding for two receiving center programs for
18 commercially sexually exploited children. One of these programs must
19 be located west of the crest of the Cascade mountains and one of
20 these programs must be located east of the crest of the Cascade
21 mountains. Law enforcement and service providers may refer children
22 to these programs or children may self-refer into these programs.

23 (2) The receiving center programs established under this section
24 shall:

25 (a) Begin providing services by January 1, 2021;

26 (b) Utilize existing facilities and not require the construction
27 of new facilities; and

28 (c) Provide ongoing case management for all children who are
29 being served or were served by the programs.

30 (3) The receiving centers established under this section shall:

1 (a) Include a short-term evaluation function that is accessible
2 twenty-four hours per day seven days per week that has the capacity
3 to evaluate the immediate needs of commercially sexually exploited
4 children ages twelve through seventeen and either meet those
5 immediate needs or refer those children to the appropriate services;

6 (b) Assess children for mental health and substance use disorder
7 needs and provide appropriate referrals as needed; and

8 (c) Provide individual and group counseling focused on developing
9 and strengthening coping skills, and improving self-esteem and
10 dignity.

11 (4) The department of children, youth, and families shall:

12 (a) Collect nonidentifiable demographic data of the children
13 served by the programs established under this section;

14 (b) Collect data regarding the locations that children exit to
15 after being served by the programs; and

16 (c) Report the data described in this subsection along with
17 recommendations for modification or expansion of these programs to
18 the relevant committees of the legislature by December 1, 2022.

19 (5) For the purposes of this section, the following definitions
20 apply:

21 (a) "Receiving center" means a trauma-informed, secure location
22 that meets the multidisciplinary needs of commercially sexually
23 exploited children ages twelve through seventeen located in a
24 behavioral health agency licensed or certified under RCW 71.24.037 to
25 provide inpatient or residential treatment services; and

26 (b) "Short-term evaluation function" means a short-term emergency
27 shelter that is accessible twenty-four hours per day seven days per
28 week that has the capacity to evaluate the immediate needs of
29 commercially sexually exploited children under age eighteen and
30 either meet those immediate needs or refer those children to the
31 appropriate services.

32 (6) (a) The department of children, youth, and families, the
33 department of health, and the division of behavioral health and
34 recovery, shall meet to coordinate the implementation of receiving
35 centers as provided for in this section, including developing
36 eligibility criteria for serving commercially sexually exploited
37 children that allows referral from service providers and prioritizes
38 referral from law enforcement.

39 (b) By December 1, 2020, and in compliance with RCW 43.01.036,
40 the department of children, youth, and families shall submit a report

1 to the governor and legislature summarizing the implementation plan
2 and eligibility criteria as described in (a)of this subsection, and
3 provide any additional policy recommendations regarding receiving
4 centers as it deems necessary.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 7.68 RCW
6 to read as follows:

7 (1) The following individuals or entities may refer a child to
8 receiving centers as defined in section 2 of this act:

9 (a) Law enforcement, who shall:

10 (i) Transport a child eligible for receiving center services to a
11 receiving center; or

12 (ii) Coordinate transportation with a liaison dedicated to
13 serving commercially sexually exploited children established under
14 RCW 74.14B.070 or a community service provider;

15 (b) The department of children, youth, and families;

16 (c) Juvenile courts;

17 (d) Community service providers;

18 (e) A parent or guardian; and

19 (f) A child may self-refer.

20 (2) Eligibility for placement in a receiving center is children
21 ages twelve through seventeen, of all genders, who have been, or are
22 at risk for being commercially sexually exploited.

23 **Sec. 4.** RCW 9A.88.030 and 1988 c 145 s 16 are each amended to
24 read as follows:

25 (1) A person age eighteen or older is guilty of prostitution if
26 such person engages or agrees or offers to engage in sexual conduct
27 with another person in return for a fee.

28 (2) For purposes of this section, "sexual conduct" means "sexual
29 intercourse" or "sexual contact," both as defined in chapter 9A.44
30 RCW.

31 (3) Prostitution is a misdemeanor.

32 **Sec. 5.** RCW 13.40.070 and 2019 c 128 s 8 are each amended to
33 read as follows:

34 (1) Complaints referred to the juvenile court alleging the
35 commission of an offense shall be referred directly to the
36 prosecutor. The prosecutor, upon receipt of a complaint, shall screen
37 the complaint to determine whether:

1 (a) The alleged facts bring the case within the jurisdiction of
2 the court; and

3 (b) On a basis of available evidence there is probable cause to
4 believe that the juvenile did commit the offense.

5 (2) If the identical alleged acts constitute an offense under
6 both the law of this state and an ordinance of any city or county of
7 this state, state law shall govern the prosecutor's screening and
8 charging decision for both filed and diverted cases.

9 (3) If the requirements of subsection (1)(a) and (b) of this
10 section are met, the prosecutor shall either file an information in
11 juvenile court or divert the case, as set forth in subsections (5),
12 (6), and (8) of this section. If the prosecutor finds that the
13 requirements of subsection (1)(a) and (b) of this section are not
14 met, the prosecutor shall maintain a record, for one year, of such
15 decision and the reasons therefor. In lieu of filing an information
16 or diverting an offense a prosecutor may file a motion to modify
17 community supervision where such offense constitutes a violation of
18 community supervision.

19 (4) An information shall be a plain, concise, and definite
20 written statement of the essential facts constituting the offense
21 charged. It shall be signed by the prosecuting attorney and conform
22 to chapter 10.37 RCW.

23 (5) The prosecutor shall file an information with the juvenile
24 court if (a) an alleged offender is accused of an offense that is
25 defined as a sex offense or violent offense under RCW 9.94A.030,
26 other than assault in the second degree or robbery in the second
27 degree; or (b) an alleged offender has been referred by a diversion
28 unit for prosecution or desires prosecution instead of diversion.

29 (6) Where a case is legally sufficient the prosecutor shall
30 divert the case if the alleged offense is a misdemeanor or gross
31 misdemeanor or violation and the alleged offense is the offender's
32 first offense or violation. If the alleged offender is charged with a
33 related offense that may be filed under subsections (5) and (8) of
34 this section, a case under this subsection may also be filed.

35 (7) Where a case is legally sufficient to charge an alleged
36 offender with:

37 (a) (~~(Either prostitution or prostitution)~~) Prostitution
38 loitering and the alleged offense is the offender's first
39 (~~prostitution or~~) prostitution loitering offense, the prosecutor
40 shall divert the case;

1 (b) Voyeurism in the second degree, the offender is under
2 seventeen years of age, and the alleged offense is the offender's
3 first voyeurism in the second degree offense, the prosecutor shall
4 divert the case, unless the offender has received two diversions for
5 any offense in the previous two years;

6 (c) Minor selling depictions of himself or herself engaged in
7 sexually explicit conduct under RCW 9.68A.053(5) and the alleged
8 offense is the offender's first violation of RCW 9.68A.053(5), the
9 prosecutor shall divert the case; or

10 (d) A distribution, transfer, dissemination, or exchange of
11 sexually explicit images of other minors thirteen years of age or
12 older offense as provided in RCW 9.68A.053(1) and the alleged offense
13 is the offender's first violation of RCW 9.68A.053(1), the prosecutor
14 shall divert the case.

15 (8) Where a case is legally sufficient and falls into neither
16 subsection (5) nor (6) of this section, it may be filed or diverted.
17 In deciding whether to file or divert an offense under this section
18 the prosecutor may be guided by the length, seriousness, and recency
19 of the alleged offender's criminal history and the circumstances
20 surrounding the commission of the alleged offense.

21 (9) Whenever a juvenile is placed in custody or, where not placed
22 in custody, referred to a diversion interview, the parent or legal
23 guardian of the juvenile shall be notified as soon as possible
24 concerning the allegation made against the juvenile and the current
25 status of the juvenile. Where a case involves victims of crimes
26 against persons or victims whose property has not been recovered at
27 the time a juvenile is referred to a diversion unit, the victim shall
28 be notified of the referral and informed how to contact the unit.

29 (10) The responsibilities of the prosecutor under subsections (1)
30 through (9) of this section may be performed by a juvenile court
31 probation counselor for any complaint referred to the court alleging
32 the commission of an offense which would not be a felony if committed
33 by an adult, if the prosecutor has given sufficient written notice to
34 the juvenile court that the prosecutor will not review such
35 complaints.

36 (11) The prosecutor, juvenile court probation counselor, or
37 diversion unit may, in exercising their authority under this section
38 or RCW 13.40.080, refer juveniles to community-based programs,
39 restorative justice programs, mediation, or victim offender

1 reconciliation programs. Such mediation or victim offender
2 reconciliation programs shall be voluntary for victims.

3 (12) Prosecutors and juvenile courts are encouraged to engage
4 with and partner with community-based programs to expand, improve,
5 and increase options to divert youth from formal processing in
6 juvenile court. Nothing in this chapter should be read to limit
7 partnership with community-based programs to create diversion
8 opportunities for juveniles.

9 **Sec. 6.** RCW 13.40.213 and 2010 c 289 s 8 are each amended to
10 read as follows:

11 (1) When a juvenile is alleged to have committed (~~the offenses~~
12 ~~of prostitution or~~) a prostitution loitering offense, and the
13 allegation, if proved, would not be the juvenile's first offense, a
14 prosecutor may divert the offense if the county in which the offense
15 is alleged to have been committed has a comprehensive program that
16 provides:

- 17 (a) Safe and stable housing;
- 18 (b) Comprehensive on-site case management;
- 19 (c) Integrated mental health and chemical dependency services,
20 including specialized trauma recovery services;
- 21 (d) Education and employment training delivered on-site; and
- 22 (e) Referrals to off-site specialized services, as appropriate.

23 (2) A prosecutor may divert a case for (~~prostitution or~~)
24 prostitution loitering into the comprehensive program described in
25 this section, notwithstanding the filing criteria set forth in RCW
26 13.40.070(5).

27 (3) A diversion agreement under this section may extend to twelve
28 months.

29 (4)(a) The administrative office of the courts shall compile data
30 regarding:

31 (i) The number of juveniles whose cases are diverted into the
32 comprehensive program described in this section;

33 (ii) Whether the juveniles complete their diversion agreements
34 under this section; and

35 (iii) Whether juveniles whose cases have been diverted under this
36 section have been subsequently arrested or committed subsequent
37 offenses.

1 (b) An annual report of the data compiled shall be provided to
2 the governor and the appropriate committee of the legislature. ((The
3 ~~first report is due by November 1, 2010.~~))

4 **Sec. 7.** RCW 7.68.801 and 2018 c 58 s 65 are each amended to read
5 as follows:

6 (1) The commercially sexually exploited children statewide
7 coordinating committee is established to address the issue of
8 children who are commercially sexually exploited, to examine the
9 practices of local and regional entities involved in addressing
10 sexually exploited children, and to make recommendations on statewide
11 laws and practices.

12 (2) The committee is convened by the office of the attorney
13 general with the department of commerce assisting with agenda
14 planning and administrative and clerical support. The committee
15 consists of the following members:

16 (a) One member from each of the two largest caucuses of the house
17 of representatives appointed by the speaker of the house;

18 (b) One member from each of the two largest caucuses of the
19 senate appointed by the ((~~speaker~~)) president of the senate;

20 (c) A representative of the governor's office appointed by the
21 governor;

22 (d) The secretary of the department of children, youth, and
23 families or his or her designee;

24 (e) The secretary of the juvenile rehabilitation administration
25 or his or her designee;

26 (f) The attorney general or his or her designee;

27 (g) The superintendent of public instruction or his or her
28 designee;

29 (h) A representative of the administrative office of the courts
30 appointed by the administrative office of the courts;

31 (i) The executive director of the Washington association of
32 sheriffs and police chiefs or his or her designee;

33 (j) The executive director of the Washington state criminal
34 justice training commission or his or her designee;

35 (k) A representative of the Washington association of prosecuting
36 attorneys appointed by the association;

37 (l) The executive director of the office of public defense or his
38 or her designee;

1 (m) Three representatives of community service providers that
2 provide direct services to commercially sexually exploited children
3 appointed by the attorney general;

4 (n) Two representatives of nongovernmental organizations familiar
5 with the issues affecting commercially sexually exploited children
6 appointed by the attorney general;

7 (o) The president of the superior court judges' association or
8 his or her designee;

9 (p) The president of the juvenile court administrators or his or
10 her designee;

11 (q) Any existing chairs of regional task forces on commercially
12 sexually exploited children;

13 (r) A representative from the criminal defense bar;

14 (s) A representative of the center for children and youth
15 justice;

16 (t) A representative from the office of crime victims advocacy;

17 (u) The executive director of the Washington coalition of sexual
18 assault programs;

19 (v) The executive director of the statewide organization
20 representing children's advocacy centers or his or her designee;

21 (w) A representative of an organization that provides inpatient
22 chemical dependency treatment to youth, appointed by the attorney
23 general;

24 (~~(w)~~) (x) A representative of an organization that provides
25 mental health treatment to youth, appointed by the attorney general;
26 and

27 (~~(x)~~) (y) A survivor of human trafficking, appointed by the
28 attorney general.

29 (3) The duties of the committee include, but are not limited to:

30 (a) Overseeing and reviewing the implementation of the Washington
31 state model protocol for commercially sexually exploited children at
32 task force sites;

33 (b) Receiving reports and data from local and regional entities
34 regarding the incidence of commercially sexually exploited children
35 in their areas as well as data information regarding perpetrators,
36 geographic data and location trends, and any other data deemed
37 relevant;

38 (c) Receiving reports on local coordinated community response
39 practices and results of the community responses;

1 (d) Reviewing recommendations from local and regional entities
2 regarding policy and legislative changes that would improve the
3 efficiency and effectiveness of local response practices;

4 (e) Making recommendations regarding policy and legislative
5 changes that would improve the effectiveness of the state's response
6 to and promote best practices for suppression of the commercial
7 sexual exploitation of children;

8 (f) Making recommendations regarding data collection useful to
9 understanding or addressing the problem of commercially sexually
10 exploited children;

11 (g) Reviewing and making recommendations regarding strategic
12 local investments or opportunities for federal and state funding to
13 address the commercial sexual exploitation of children;

14 (h) Reviewing the extent to which chapter 289, Laws of 2010
15 (Engrossed Substitute Senate Bill No. 6476) is understood and applied
16 by enforcement authorities; (~~and~~)

17 (i) Researching any barriers that exist to full implementation of
18 chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476)
19 throughout the state;

20 (j) Convening a meeting and providing recommendations required
21 under section 11 of this act; and

22 (k) Compiling data on the number of juveniles believed to be
23 victims of sexual exploitation taken into custody under RCW
24 43.185C.260.

25 (4) The committee must meet no less than annually.

26 (5) The committee shall annually report its findings and
27 recommendations to the appropriate committees of the legislature and
28 to any other known statewide committees addressing trafficking or the
29 commercial sex trade.

30 (6) This section expires June 30, 2023.

31 **Sec. 8.** RCW 43.185C.260 and 2019 c 312 s 15 are each amended to
32 read as follows:

33 (1) A law enforcement officer shall take a child into custody:

34 (a) If a law enforcement agency has been contacted by the parent
35 of the child that the child is absent from parental custody without
36 consent; or

37 (b) If a law enforcement officer reasonably believes, considering
38 the child's age, the location, and the time of day, that a child is

1 in circumstances which constitute a danger to the child's safety or
2 that a child is violating a local curfew ordinance; or

3 (c) If an agency legally charged with the supervision of a child
4 has notified a law enforcement agency that the child has run away
5 from placement.

6 (2) Law enforcement custody shall not extend beyond the amount of
7 time reasonably necessary to transport the child to a destination
8 authorized by law and to place the child at that destination. Law
9 enforcement custody continues until the law enforcement officer
10 transfers custody to a person, agency, or other authorized entity
11 under this chapter, or releases the child because no placement is
12 available. Transfer of custody is not complete unless the person,
13 agency, or entity to whom the child is released agrees to accept
14 custody.

15 (3) If a law enforcement officer takes a child into custody
16 pursuant to either subsection (1)(a) or (b) of this section and
17 transports the child to a crisis residential center, the officer
18 shall, within twenty-four hours of delivering the child to the
19 center, provide to the center a written report detailing the reasons
20 the officer took the child into custody. The center shall provide the
21 department of children, youth, and families with a copy of the
22 officer's report if the youth is in the care of or receiving services
23 from the department of children, youth, and families.

24 (4) If the law enforcement officer who initially takes the
25 juvenile into custody or the staff of the crisis residential center
26 have reasonable cause to believe that the child is absent from home
27 because he or she is abused or neglected, a report shall be made
28 immediately to the department of children, youth, and families.

29 (5) Nothing in this section affects the authority of any
30 political subdivision to make regulations concerning the conduct of
31 minors in public places by ordinance or other local law.

32 (6) If a law enforcement officer has a reasonable suspicion that
33 a child is being unlawfully harbored in violation of RCW 13.32A.080,
34 the officer shall remove the child from the custody of the person
35 harboring the child and shall transport the child to one of the
36 locations specified in RCW 43.185C.265.

37 (7) If a law enforcement officer takes a juvenile into custody
38 pursuant to subsection (1)(b) of this section and reasonably believes
39 that the juvenile may be the victim of sexual exploitation, the
40 officer shall:

1 (a) Transport the child to:

2 (i) An evaluation and treatment facility as defined in RCW
3 71.34.020, including the receiving centers established in section 2
4 of this act, for purposes of evaluation for behavioral health
5 treatment authorized under chapter 71.34 RCW, including adolescent-
6 initiated treatment, family-initiated treatment, or involuntary
7 treatment; or

8 (ii) Another appropriate youth-serving entity or organization
9 including, but not limited to:

10 (A) A HOPE Center as defined under RCW 43.185C.010;

11 (B) A foster-family home as defined under RCW 74.15.020;

12 (C) A crisis residential center as defined under RCW 43.185C.010;

13 or

14 (D) A community-based program that has expertise working with
15 adolescents in crisis; or

16 (b) Coordinate transportation to one of the locations identified
17 in (a) of this subsection, with a liaison dedicated to serving
18 commercially sexually exploited children established under RCW
19 74.14B.070 or a community service provider.

20 (8) Law enforcement shall have the authority to take into
21 protective custody a child who is or is attempting to engage in
22 sexual conduct with another person for money or anything of value for
23 purposes of investigating the individual or individuals who may be
24 exploiting the child and deliver the child to an evaluation and
25 treatment facility as defined in RCW 71.34.020, including the
26 receiving centers established in section 2 of this act, for purposes
27 of evaluation for behavioral health treatment authorized under
28 chapter 71.34 RCW, including adolescent-initiated treatment, family-
29 initiated treatment, or involuntary treatment.

30 (9) No child may be placed in a secure facility except as
31 provided in this chapter.

32 **Sec. 9.** RCW 74.14B.070 and 2017 3rd sp.s. c 6 s 508 are each
33 amended to read as follows:

34 (1) The department shall, subject to available funds, establish a
35 system of early identification and referral to treatment of child
36 victims of sexual assault or sexual abuse. The system shall include
37 schools, physicians, sexual assault centers, domestic violence
38 centers, child protective services, and foster parents. A mechanism
39 shall be developed to identify communities that have experienced

1 success in this area and share their expertise and methodology with
2 other communities statewide.

3 (2) The department shall provide services to support children it
4 suspects have been commercially sexually exploited. The child may
5 decide whether to voluntarily engage in the services offered by the
6 department.

7 (a) To provide services supporting children it suspects have been
8 commercially sexually exploited, the department may provide:

9 (i) At least one liaison position in each region of the
10 department where receiving center programs are established under
11 section 2 of this act who are dedicated to serving commercially
12 sexually exploited children and who report directly to the statewide
13 program manager under (a)(ii) of this subsection;

14 (ii) One statewide program manager;

15 (iii) A designated person responsible for supporting commercially
16 sexually exploited children, who may be assigned other duties in
17 addition to this responsibility, in regions of the department where
18 there is not a dedicated liaison position as identified under (a)(i)
19 of this subsection; and

20 (iv) Coordinate appropriate, available, community-based services
21 for children following discharge from an evaluation and treatment
22 facility as defined in RCW 71.34.020, including the receiving centers
23 established in section 2 of this act.

24 (b) The department shall collect nonidentifiable data regarding
25 the number of commercially sexually exploited children, including
26 reports of commercially sexually exploited children received from law
27 enforcement under chapter 26.44 RCW.

28 (3) The department shall provide an annual report to the
29 commercially sexually exploited children statewide coordinating
30 committee established under RCW 7.68.801 by December 1st that
31 includes:

32 (a) A description of services provided by the department to
33 commercially sexually exploited children; and

34 (b) Nonidentifiable data regarding the number of commercially
35 sexually exploited children.

36 (4) The department may solicit and accept gifts, grants,
37 conveyances, bequests, and devices for supporting the purposes of
38 this section.

1 (5) Nothing in this section shall be construed to create a
2 private right of action against the department for failure to
3 identify, offer, or provide services.

4 **Sec. 10.** RCW 74.15.020 and 2019 c 172 s 10 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this chapter and
7 RCW 74.13.031 unless the context clearly requires otherwise.

8 (1) "Agency" means any person, firm, partnership, association,
9 corporation, or facility which receives children, expectant mothers,
10 or persons with developmental disabilities for control, care, or
11 maintenance outside their own homes, or which places, arranges the
12 placement of, or assists in the placement of children, expectant
13 mothers, or persons with developmental disabilities for foster care
14 or placement of children for adoption, and shall include the
15 following irrespective of whether there is compensation to the agency
16 or to the children, expectant mothers, or persons with developmental
17 disabilities for services rendered:

18 (a) "Child-placing agency" means an agency which places a child
19 or children for temporary care, continued care, or for adoption;

20 (b) "Community facility" means a group care facility operated for
21 the care of juveniles committed to the department under RCW
22 13.40.185. A county detention facility that houses juveniles
23 committed to the department under RCW 13.40.185 pursuant to a
24 contract with the department is not a community facility;

25 (c) "Crisis residential center" means an agency which is a
26 temporary protective residential facility operated to perform the
27 duties specified in chapter 13.32A RCW, in the manner provided in RCW
28 43.185C.295 through 43.185C.310;

29 (d) "Emergency respite center" is an agency that may be commonly
30 known as a crisis nursery, that provides emergency and crisis care
31 for up to seventy-two hours to children who have been admitted by
32 their parents or guardians to prevent abuse or neglect. Emergency
33 respite centers may operate for up to twenty-four hours a day, and
34 for up to seven days a week. Emergency respite centers may provide
35 care for children ages birth through seventeen, and for persons
36 eighteen through twenty with developmental disabilities who are
37 admitted with a sibling or siblings through age seventeen. Emergency
38 respite centers may not substitute for crisis residential centers or
39 HOPE centers, or any other services defined under this section, and

1 may not substitute for services which are required under chapter
2 13.32A or 13.34 RCW;

3 (e) "Foster-family home" means an agency which regularly provides
4 care on a twenty-four hour basis to one or more children, expectant
5 mothers, or persons with developmental disabilities in the family
6 abode of the person or persons under whose direct care and
7 supervision the child, expectant mother, or person with a
8 developmental disability is placed;

9 (f) "Group-care facility" means an agency, other than a foster-
10 family home, which is maintained and operated for the care of a group
11 of children on a twenty-four hour basis. "Group care facility"
12 includes but is not limited to:

13 (i) Qualified residential treatment programs as defined in RCW
14 13.34.030;

15 (ii) Facilities specializing in providing prenatal, postpartum,
16 or parenting supports for youth; and

17 (iii) Facilities providing high-quality residential care and
18 supportive services to children who are, or who are at risk of
19 becoming, victims of sex trafficking;

20 (g) "HOPE center" means an agency licensed by the secretary to
21 provide temporary residential placement and other services to street
22 youth. A street youth may remain in a HOPE center for thirty days
23 while services are arranged and permanent placement is coordinated.
24 No street youth may stay longer than thirty days unless approved by
25 the department and any additional days approved by the department
26 must be based on the unavailability of a long-term placement option.
27 A street youth whose parent wants him or her returned to home may
28 remain in a HOPE center until his or her parent arranges return of
29 the youth, not longer. All other street youth must have court
30 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
31 up to thirty days;

32 (h) "Maternity service" means an agency which provides or
33 arranges for care or services to expectant mothers, before or during
34 confinement, or which provides care as needed to mothers and their
35 infants after confinement;

36 (i) "Resource and assessment center" means an agency that
37 provides short-term emergency and crisis care for a period up to
38 seventy-two hours, excluding Saturdays, Sundays, and holidays to
39 children who have been removed from their parent's or guardian's care
40 by child protective services or law enforcement;

1 (j) "Responsible living skills program" means an agency licensed
2 by the secretary that provides residential and transitional living
3 services to persons ages sixteen to eighteen who are dependent under
4 chapter 13.34 RCW and who have been unable to live in his or her
5 legally authorized residence and, as a result, the minor lived
6 outdoors or in another unsafe location not intended for occupancy by
7 the minor. Dependent minors ages fourteen and fifteen may be eligible
8 if no other placement alternative is available and the department
9 approves the placement;

10 (k) "Service provider" means the entity that operates a community
11 facility.

12 (2) "Agency" shall not include the following:

13 (a) Persons related to the child, expectant mother, or person
14 with developmental disability in the following ways:

15 (i) Any blood relative, including those of half-blood, and
16 including first cousins, second cousins, nephews or nieces, and
17 persons of preceding generations as denoted by prefixes of grand,
18 great, or great-great;

19 (ii) Stepfather, stepmother, stepbrother, and stepsister;

20 (iii) A person who legally adopts a child or the child's parent
21 as well as the natural and other legally adopted children of such
22 persons, and other relatives of the adoptive parents in accordance
23 with state law;

24 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
25 this subsection (2), even after the marriage is terminated;

26 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
27 subsection (2), of any half sibling of the child; or

28 (vi) Extended family members, as defined by the law or custom of
29 the Indian child's tribe or, in the absence of such law or custom, a
30 person who has reached the age of eighteen and who is the Indian
31 child's grandparent, aunt or uncle, brother or sister, brother-in-law
32 or sister-in-law, niece or nephew, first or second cousin, or
33 stepparent who provides care in the family abode on a twenty-four-
34 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

35 (b) Persons who are legal guardians of the child, expectant
36 mother, or persons with developmental disabilities;

37 (c) Persons who care for a neighbor's or friend's child or
38 children, with or without compensation, where the parent and person
39 providing care on a twenty-four-hour basis have agreed to the

1 placement in writing and the state is not providing any payment for
2 the care;

3 (d) A person, partnership, corporation, or other entity that
4 provides placement or similar services to exchange students or
5 international student exchange visitors or persons who have the care
6 of an exchange student in their home;

7 (e) A person, partnership, corporation, or other entity that
8 provides placement or similar services to international children who
9 have entered the country by obtaining visas that meet the criteria
10 for medical care as established by the United States citizenship and
11 immigration services, or persons who have the care of such an
12 international child in their home;

13 (f) Schools, including boarding schools, which are engaged
14 primarily in education, operate on a definite school year schedule,
15 follow a stated academic curriculum, accept only school-age children
16 and do not accept custody of children;

17 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
18 performing functions defined in chapter 70.41 RCW, nursing homes
19 licensed under chapter 18.51 RCW and assisted living facilities
20 licensed under chapter 18.20 RCW;

21 (h) Licensed physicians or lawyers;

22 (i) Facilities approved and certified under chapter 71A.22 RCW;

23 (j) Any agency having been in operation in this state ten years
24 prior to June 8, 1967, and not seeking or accepting moneys or
25 assistance from any state or federal agency, and is supported in part
26 by an endowment or trust fund;

27 (k) Persons who have a child in their home for purposes of
28 adoption, if the child was placed in such home by a licensed child-
29 placing agency, an authorized public or tribal agency or court or if
30 a replacement report has been filed under chapter 26.33 RCW and the
31 placement has been approved by the court;

32 (l) An agency operated by any unit of local, state, or federal
33 government or an agency licensed by an Indian tribe pursuant to RCW
34 74.15.190;

35 (m) A maximum or medium security program for juvenile offenders
36 operated by or under contract with the department;

37 (n) An agency located on a federal military reservation, except
38 where the military authorities request that such agency be subject to
39 the licensing requirements of this chapter;

1 (o) A host home program, and host home, operated by a tax exempt
2 organization for youth not in the care of or receiving services from
3 the department, if that program: (i) Recruits and screens potential
4 homes in the program, including performing background checks on
5 individuals over the age of eighteen residing in the home through the
6 Washington state patrol or equivalent law enforcement agency and
7 performing physical inspections of the home; (ii) screens and
8 provides case management services to youth in the program; (iii)
9 obtains a notarized permission slip or limited power of attorney from
10 the parent or legal guardian of the youth authorizing the youth to
11 participate in the program and the authorization is updated every six
12 months when a youth remains in a host home longer than six months;
13 (iv) obtains insurance for the program through an insurance provider
14 authorized under Title 48 RCW; (v) provides mandatory reporter and
15 confidentiality training; and (vi) registers with the secretary of
16 state as provided in RCW 24.03.550. A host home is a private home
17 that volunteers to host youth in need of temporary placement that is
18 associated with a host home program. Any host home program that
19 receives local, state, or government funding shall report the
20 following information to the office of homeless youth prevention and
21 protection programs annually by December 1st of each year: The number
22 of children the program served, why the child was placed with a host
23 home, and where the child went after leaving the host home, including
24 but not limited to returning to the parents, running away, reaching
25 the age of majority, or becoming a dependent of the state. A host
26 home program shall not receive more than one hundred thousand dollars
27 per year of public funding, including local, state, and federal
28 funding. A host home shall not receive any local, state, or
29 government funding;

30 (p) Receiving centers as defined in section 2 of this act.

31 (3) "Department" means the department of children, youth, and
32 families.

33 (4) "Juvenile" means a person under the age of twenty-one who has
34 been sentenced to a term of confinement under the supervision of the
35 department under RCW 13.40.185.

36 (5) "Performance-based contracts" or "contracting" means the
37 structuring of all aspects of the procurement of services around the
38 purpose of the work to be performed and the desired results with the
39 contract requirements set forth in clear, specific, and objective
40 terms with measurable outcomes. Contracts may also include provisions

1 that link the performance of the contractor to the level and timing
2 of the reimbursement.

3 (6) "Probationary license" means a license issued as a
4 disciplinary measure to an agency that has previously been issued a
5 full license but is out of compliance with licensing standards.

6 (7) "Requirement" means any rule, regulation, or standard of care
7 to be maintained by an agency.

8 (8) "Secretary" means the secretary of the department.

9 (9) "Street youth" means a person under the age of eighteen who
10 lives outdoors or in another unsafe location not intended for
11 occupancy by the minor and who is not residing with his or her parent
12 or at his or her legally authorized residence.

13 (10) "Transitional living services" means at a minimum, to the
14 extent funds are available, the following:

15 (a) Educational services, including basic literacy and
16 computational skills training, either in local alternative or public
17 high schools or in a high school equivalency program that leads to
18 obtaining a high school equivalency degree;

19 (b) Assistance and counseling related to obtaining vocational
20 training or higher education, job readiness, job search assistance,
21 and placement programs;

22 (c) Counseling and instruction in life skills such as money
23 management, home management, consumer skills, parenting, health care,
24 access to community resources, and transportation and housing
25 options;

26 (d) Individual and group counseling; and

27 (e) Establishing networks with federal agencies and state and
28 local organizations such as the United States department of labor,
29 employment and training administration programs including the
30 workforce innovation and opportunity act which administers private
31 industry councils and the job corps; vocational rehabilitation; and
32 volunteer programs.

33 NEW SECTION. **Sec. 11.** A new section is added to chapter 7.68
34 RCW to read as follows:

35 (1) By September 1, 2020, the statewide coordinating committee
36 shall convene a meeting related to the role that child advocacy
37 centers have in responding to and supporting commercially sexually
38 exploited children.

1 (a) The meeting required under this subsection must include
2 representatives from child advocacy centers.

3 (b) By October 1, 2020, the department must provide a report to
4 the statewide coordinating committee that includes:

5 (i) An inventory of the number and location of child advocacy
6 centers in the state; and

7 (ii) A description of the services provided by each of the child
8 advocacy centers in the state.

9 (2) By December 1, 2020, and in compliance with RCW 43.01.036,
10 the statewide coordinating committee must provide a report to the
11 relevant committees of the legislature that includes:

12 (a) An inventory of the number and location of child advocacy
13 centers in the state;

14 (b) A description of the services provided by each of the child
15 advocacy centers in the state;

16 (c) Recommendations for expanded use of child advocacy centers in
17 providing additional services for commercially sexually exploited
18 children; and

19 (d) Recommendations for ensuring that child advocacy centers
20 connect commercially sexually exploited children with available
21 services in the community.

22 (3) For purposes of this section:

23 (a) "Child advocacy center" has the same meaning as the
24 definition provided under RCW 26.44.020.

25 (b) "Department" means the department of commerce.

26 (c) "Statewide coordinating committee" means the commercially
27 sexually exploited children statewide coordinating committee
28 established under RCW 7.68.801.

29 (4) This section expires June 30, 2021.

30 NEW SECTION. **Sec. 12.** Sections 4, 5, and 6 of this act take
31 effect January 1, 2024."

E3SHB 1775 - S AMD **1266**
By Senator Dhingra

ADOPTED AS AMENDED 03/06/2020

32 On page 1, line 1 of the title, after "children;" strike the
33 remainder of the title and insert "amending RCW 9A.88.030, 13.40.070,

1 13.40.213, 7.68.801, 43.185C.260, 74.14B.070, and 74.15.020; adding
2 new sections to chapter 7.68 RCW; creating a new section; providing
3 an effective date; and providing an expiration date."

EFFECT: Receiving centers shall begin offering services by July 1, 2021. Clarifies that receiving centers are located in a behavioral health agency licensed or certified under RCW 71.24.037 to provide inpatient or residential treatment services. Specifies that the services that DCYF offers to children it suspects have been commercially sexually exploited are voluntary. Clarifies that there is no private right of action against DCYF for failure to identify, offer, or provide services. It is clarified that a receiving center is not an agency and therefore exempt from licensing by DCYF. Expands the locations where law enforcement must transport a child who law enforcement took into custody based on a reasonable belief that the child was in circumstances that constitute a danger to the child's safety and is the victim of sexual exploitation to locations beyond only evaluation and treatment centers. These locations are expanded to include an appropriate youth-serving entity or organization including, but not limited to: (a) a HOPE center, (b) foster-family home, (c) crisis residential center, or a (d) community-based program that has expertise working with adolescents in crisis. Directs DCYF, the department of health, and the division of behavioral health and recovery, to meet and coordinate the implementation of receiving centers and develop eligibility criteria for serving commercially sexually exploited children. By December 1, 2020, DCYF is to provide a report to the Governor and the Legislature regarding these recommendations as well as providing any additional policy recommendations regarding receiving centers.

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